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 Defendant Cadence Design Systems, Inc.

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN JOSE DIVISION

19 AHMED HIGAZI, on behalf of himself
 and a class of those similarly situated,

21 Plaintiff,

22 v.

23 CADENCE DESIGN SYSTEMS, INC.,

24 Defendant.

No. C-07-2813-JW

25 **STIPULATION AND [PROPOSED]
 26 ORDER TO AMEND CLASS DEFINITION
 27 AND SETTLEMENT PAYMENT IN JOINT
 28 STIPULATION OF CLASS SETTLEMENT
 AND RELATED DOCUMENTS**

STIPULATION

Plaintiff Ahmed Higazi and defendant Cadence Systems, Inc. (“Cadence”) (collectively the “Parties”), acting through their respective attorneys of record, stipulate as follows:

1. On March 12, 2008 the Court entered its Order (1) Conditionally Certifying the Class and Collective Action, (2) Granting Preliminary Approval to Proposed Class Action Settlement [("Settlement")] and Plan of Allocation, (3) Directing Dissemination of Notice, and Claim Form to the Class; and (4) Setting Date for Fairness Hearing and Related Dates (the "Preliminary Approval Order").

2. In the process of reviewing and preparing the class data for the Settlement Administrator following the Court’s March 12 order, Cadence’s data expert discovered that the following five titles were inadvertently omitted from the Settlement and the data provided to plaintiff’s counsel during the mediation: Associate IT Remote Support Specialist, Desktop Systems Specialist, Network Engineer, Senior Database Administrator, and Senior Systems Analyst (collectively, the “Five Titles”).

3. The Five Titles are variations of the class positions included in the Settlement (the “Covered Positions”). Eleven existing class members held one of these Five Titles during the covered period as defined in the Settlement (the “Covered Period”). No non-class member held any of the Five Titles in a pay grade of “T4” or lower during a Covered Period.

4. After conferring about the matter, the Parties have agreed that the Five Titles should be added to the Settlement's definition of Covered Positions, and that the weeks worked by the Class Members while holding these Five Titles during the Covered Period should be included in the Settlement, both with respect to the scope of the release granted under the Settlement and the payment being made by Cadence under the Settlement.

5. Accordingly, the parties respectfully request that the Court grant leave to amend the following documents as follows:

a. The Joint Stipulation of Class Settlement and Class Settlement Agreement and Release should be amended to add the Five Titles and to provide for the additional amount to be paid by Cadence (\$164,856.61). *See* Exhibit 1 to this stipulation (First Amended Joint Stipulation of Class Settlement and Class Settlement Agreement and Release (the “Amended Settlement”), with changes redlined. The

1 additional amount will be paid to class members, and class counsel will not
 2 request any fees or costs from the additional amount.

3 b. The Notice of (1) Proposed Class Settlement and (2) Final Settlement Approval
 4 Hearing should be amended to add the Five Titles and to show the additional
 5 amount to be paid by Cadence. *See* Exhibit B to Amended Settlement (First
 6 Amended Notice of (1) Proposed Class Settlement and (2) Final Settlement
 7 Approval Hearing (the “Amended Class Notice”), with changes redlined.
 8 c. The Election Not to Participate in Settlement should be amended to reflect the
 9 new settlement amount. *See* Exhibit D to Amended Settlement (First Amended
 10 Election Not to Participate in Settlement), with changes redlined.
 11 d. The Preliminary Approval Order should be amended to add the Five Titles. *See*
 12 Exhibit F to Amended Settlement (First Amended Order (1) Conditionally
 13 Certifying Settlement Class and Collective Action, (2) Granting Preliminary
 14 Approval to Proposed Class Action Settlement and Plan of Allocation,
 15 (3) Directing Dissemination of Notice, and Claim Form to the Class; and
 16 (4) Setting Date For Fairness Hearing and Related Dates (the “Amended
 17 Preliminary Approval Order”), with changes redlined.

18 If leave to amend is granted, the Parties will file the Amended Settlement with all exhibits revised as
 19 indicated and without the redlining; the Parties will submit for entry by the Court the Amended
 20 Preliminary Approval Order revised as indicated and without the redlining; and the class notice and
 21 related documents will be sent to class members revised as indicated and without the redlining or any
 22 reference to their being “amended” or “revised,” so as to avoid class member confusion.

23 6. The Parties further stipulate that on account of this development, Cadence will have until
 24 March 26, 2008, to provide the Settlement Administrator a database that lists, for each class member, the
 25 class member’s name, Social Security number, last known address, dates and state(s) of employment,
 26 and the number of compensable work weeks in a Covered Position during a Covered Period, and the
 27 settlement administrator will have until April 5, 2008, to mail the notice materials to all class members.

28 *See* Amended Settlement, § VII(A)(1)-(2); Amended Preliminary Approval Order, § VI(E)(7)-(8).

7. Other than as so indicated, all other deadlines under the Settlement will remain unchanged, including but not limited to the date on which interest begins to accumulate on the settlement payment and the date of the final approval hearing.

Dated: March 27, 2007.

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ORDER

Pursuant to the parties' Stipulation, and good cause shown, it is so ordered. However, due to the Court's unavailability, the Final Approval of Class Settlement hearing is advanced from July 11, 2008 to **July 7, 2008 at 9 a.m.** All revised Proposed documents shall reflect this change.

Dated: April 1, 2008

JAMES WARE
United States District Judge

~~United States District Judge~~